

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA :
:
v. : **Case No. 1:15CR00029**
:
TONY MICHAEL SPENCER :

**NOTICE OF REQUEST FOR RESTITUTION AND MOTION FOR BIFURCATED
SENTENCING HEARING**

Comes now, the United States, by counsel, and hereby notifies the defendant and the court of the restitution amount requested to be paid to the victims of the defendant's criminal conduct, pursuant to 18 U.S.C. §§ 2259, 3664 & 3771. As of the filing date of this notice, ten requests for restitution have been made in regards to the conduct of the defendant. These requests have all been made by minor children who are depicted in the images received and possessed by Mr. Spencer as a direct consequence of the conduct to which he has pleaded guilty, namely, receiving a depiction of a minor engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1).

The identified victims requesting restitution are depicted in named "series" of images which are grouped together for record keeping purposes and victim identification, e.g. the "Sweet Sugar Series". The government's request for restitution, in order to both protect the identity of the victims and identify the victims for which it is requesting restitution, will refer to these "series" names in its request for restitution. The amounts of restitution requested are as follows:

1) **Sweet Sugar series**

a. \$15,000 (losses for victims)

- b. \$10,252.83 (attorney's fees and costs)
- c. **TOTAL: \$25,252.83**

2) **Surfer Hair series**

- a. \$5,000 (losses for victim)
- b. \$18,833.16 (attorneys' fees and costs)
- c. **TOTAL: \$23,833.16**

3) **Cinder Block Blue series**

- a. \$3,000 (losses for victim)
- b. No additional attorney's fees and costs requested
- c. **TOTAL: \$3,000.00**

4) **Lighthouse series (Casseaopeia victim)**

- a. \$12,000 (losses for victim)
- b. \$1,500 (attorney's fees and costs)
- c. **TOTAL: \$13,500.00**

5) **At School series**

- a. \$5,000 (losses for victim)
- b. \$1,500 (attorney's fees and costs)
- c. **TOTAL: \$6,500.00**

6) **At Dawn series**

- a. \$25,000 (losses for victim)
- b. \$1,500 (attorney's fees and costs)
- c. **TOTAL: \$26,500.00**

7) **Andy series**

- a. \$25,000 (losses for victim)
- b. \$33,415 (attorney's fees and costs)
- c. **TOTAL: \$58,415.00**

8) **Angela series**

- a. \$11,740 (losses for victim)
- b. \$4,780.20 (attorney's fees and costs)
- c. **TOTAL: \$16,520.20**

9) **Tightsngold series**

- a. \$25,000 (losses for victim and attorney's fees)
- b. **TOTAL: \$25,000.00**

10) **8 Kids series**

- a. \$25,000 (losses for victim and attorney's fees)
- b. **TOTAL: \$25,000.00**

Based upon the above amounts, the total requested restitution is: **\$223,521.19**

The government will file supporting legal memorandum and, with leave of the court, supporting documents under seal, for each victim's request for restitution. The government has communicated with defense counsel and been made aware that the defendant will object to the requested restitution amount.

Furthermore, after consultation with counsel for the defendant, the parties jointly request that the sentencing proceeding be bifurcated and that a hearing to determine the restitution award be scheduled subsequent to, but no later than 90 days from, the sentencing hearing currently scheduled for February 28, 2017.

Respectfully submitted,

RICK A. MOUNTCASTLE
Acting United States Attorney

/s/ Zachary T. Lee

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendant.

/s/ Zachary T. Lee